

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HONEYWELL INTERNATIONAL INC. and )  
HONEYWELL INTELLECTUAL PROPERTIES INC., )  
 )  
Plaintiffs, )  
 )  
v. ) C.A. No. 04-1338-\*\*\*  
 ) (Consolidated)  
 )  
APPLE COMPUTER, INC., et al., )  
 )  
 )  
Defendants. )  
 )


**NOTICE OF DEPOSITION AND SUBPOENA DIRECTED TO ALAN JACOBSEN**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant FUJIFILM Corporation, (“Fuji”) is serving the attached subpoena on Alan Jacobsen, 15806 SE 166th Pl., Renton, WA 98058. Pursuant to the subpoena, Fuji will, by and through its undersigned counsel, take the deposition upon oral examination of Alan Jacobsen, on October 22, 2007 at 9:00 a.m., at the offices of Stroock & Stroock & Lavan LLP, New York, NY, or at such other time and place as may be agreed to by the parties. The deposition is for the purpose of discovery and evidentiary use and may be recorded by stenographic and/or videographic means. The deposition will continue from day to day until completed. You are invited to attend and cross-examine.

OF COUNSEL:

Lawrence Rosenthal  
Matthew W. Siegal  
Ian G. DiBernardo  
Angie M. Hankins  
Kevin C. Ecker  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, NY 10038-4982  
(212) 806-5400

POTTER ANDERSON & CORROON LLP

By:   
Philip A. Rovner (#3215)  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
provner@potteranderson.com

Date: October 15, 2007  
825360

Attorneys for Defendant  
FUJIFILM Corporation

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

HONEYWELL INTERNATIONAL INC. and  
HONEYWELL INTELLECTUAL PROPERTIES,  
INC.

Plaintiff,

- v. -

APPLE COMPUTER, INC., et al.,  
Defendants.

SUBPOENA IN A CIVIL CASE

PENDING IN THE U.S. DISTRICT COURT FOR  
THE DISTRICT OF DELAWARE

CASE NUMBER: 04-1338 (\*\*\*)  
(Consolidated)

To: Alan Jacobsen  
15806 SE 166th Pl.  
Renton, WA 98058

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to  
testify in the above case.

PLACE OF TESTIMONY

COURTROOM

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition  
in the above case.

PLACE OF TESTIMONY

Offices of Stroock & Stroock & Lavan LL, Ny, NY or as otherwise agreed

DATE AND TIME

October 22, 2007

☐ YOU ARE COMMANDED to produce a witness having personal knowledge of the matters set forth in Schedule A of  
the attached Notice of Deposition to appear at the place, date and time specified below to testify at the taking of a  
deposition in the above case.

PLACE: TO BE DETERMINED

DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the documents or objects listed in  
Schedule A attached hereto, at the place, date, and time specified below.

PLACE:

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES:

DATE AND TIME

Any organization not a party to this proceeding case that is subpoenaed for the taking of a deposition shall  
designate one or more officers, directors or managing agents, or other persons who consent to testify on its behalf, and  
may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE

Attorney for Defendant FUJIFILM Corporation

DATE

October 12, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Ian G. DiBernardo, 180 Maiden Lane, New York, NY 10038-4982 (212) 806-5400

PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

### Rule 45, Fed.R.Civ.P., Parts (C) & (D)

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect this premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice is to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed and or regularly transacts business

in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applied, or

(iv) subject a person to undue burden.

(B) If a subpoena

(i) require disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### (d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, hereby certify that, on October 15, 2007, the within document was electronically filed with the Clerk of the Court using CM-ECF which will send notification of such filing to the following; the document was served by E-mail on the following; and the document is available for viewing and downloading from CM-ECF:

Thomas C. Grimm, Esq.  
Leslie A. Polizoti, Esq.  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
[tgrimm@mnat.com](mailto:tgrimm@mnat.com)  
[lpolizoti@mnat.com](mailto:lpolizoti@mnat.com)

Karen L. Pascale, Esq.  
Young, Conaway, Stargatt & Taylor, LLP  
The Brandywine Bldg., 17<sup>th</sup> Fl.  
1000 West Street  
Wilmington, DE 19801  
[kpascale@ycst.com](mailto:kpascale@ycst.com)

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon LLP  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
[rhhorwitz@potteranderson.com](mailto:rhhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

David J. Margules, Esq.  
John M. Seaman, Esq.  
Bouchard Margules & Friedlander, P.A.  
222 Delaware Avenue, Suite 1400  
Wilmington, DE 19801  
[dmargules@bmf-law.com](mailto:dmargules@bmf-law.com)  
[jseaman@bmf-law.com](mailto:jseaman@bmf-law.com)



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Philip A. Rovner (#3215)  
Potter Anderson & Corroon LLP  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
E-mail: [provner@potteranderson.com](mailto:provner@potteranderson.com)